

# EXHIBIT MM

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

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EQUAL EMPLOYMENT OPPORTUNITY : CASE NO.  
COMMISSION, :  
Plaintiff, : WDQ-02-CV-648  
AND :  
KATHY C. KOCH, :  
Plaintiff-Intervenor, :  
VS. :  
LA WEIGHT LOSS, :  
Defendant. :  
-----x

Videotaped deposition of MARCI B.

GOLDSHLACK, held at the offices of the  
Equal Employment Opportunity Commission,  
Bourse Building, Suite 400, 111 South  
Independence Mall East, Philadelphia,  
Pennsylvania, on Tuesday, August 26,  
2003, beginning at 1:11 p.m., before  
Debra J. Weaver, a Federally Approved  
Registered Professional Reporter,  
Certified Realtime Reporter and Certified  
Shorthand Reporter.

ESQUIRE DEPOSITION SERVICES  
1880 John F. Kennedy Boulevard  
15th Floor  
Philadelphia, PA 19103  
(215) 988-9191

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1	Social Security number, please.	1	probably then ultimately hired me.
2	A. 159-48-3092.	2	Q. Okay. What was her position
3	Q. Okay. And your date of	3	at the time?
4	birth?	4	A. I think director of training
5	A. 6/14/57.	5	is the title.
6	Q. Okay. Do you reside at any	6	Q. You mentioned your title of
7	address other than the home address you	7	corporate trainer. Can you tell me what
8	stated for any part of the year?	8	duties that entailed.
9	A. No.	9	A. Yes. I was responsible
10	Q. Okay. You previously worked	10	for -- I was the corporate trainer for
11	for LA Weight Loss?	11	that region and I was responsible for
12	A. Yes.	12	training all employees, new employees,
13	Q. Okay. Where did you work	13	based on the LA Weight Loss standards and
14	for LA Weight Loss?	14	procedures that were written, as well as
15	A. I worked primarily in the	15	doing follow-up trainings, along with the
16	corporate headquarters in Horsham.	16	regional managers in all of the centers,
17	Q. Horsham, Pennsylvania?	17	the corporate centers, in that particular
18	A. Yes.	18	region.
19	Q. Okay. Do you recall when	19	Q. Okay. You mentioned that
20	you started work at LA Weight Loss?	20	you had the responsibilities you just
21	A. Yes. October 1998.	21	talked about with respect to that region.
22	Q. Okay. And do you recall	22	What region were you referring to?
23	when your employment ended at LA Weight	23	A. The Philadelphia region.
24	Loss? .	24	Q. Okay. Do you recall what
	Page 11		Page 13
1	A. Yes. October 1999.	1	the geographic contours of that region
2	Q. So about one year?	2	was?
3	A. Exactly one year actually.	3	A. It was primarily Montgomery
4	Q. Okay. What was your	4	County, Northeast Philadelphia, Delaware
5	position at LA Weight Loss?	5	County, Chester County. It was probably
6	A. I was a corporate trainer.	6	about 20 centers in all by the time I
7	Q. During your employment at LA	7	ended up -- by the end of that year, 18
8	Weight Loss, did you hold any other	8	to 20 centers.
9	positions other than that?	9	Q. Okay. And during your
10	A. No.	10	employment, who -- did you have more than
11	Q. Okay. Do you recall who	11	one direct supervisor or was it just one?
12	hired you?	12	A. Well, my immediate
13	A. Yes. Eileen Stankunas.	13	supervisor was my director. I was
14	Q. What was her position at the	14	directly responsible to my director,
15	time?	15	which was Kristi O'Brien.
16	A. General manager.	16	Q. Okay.
17	I was interviewed by two	17	A. However, I was also
18	people. I don't know if you need to know	18	responsible to the regional and -- the
19	that.	19	area regional and general managers as
20	Q. Well, you can go ahead and	20	well.
21	tell me.	21	Q. Okay. Who are the area
22	A. Okay. I was also	22	managers? Do you recall?
23	interviewed by Kristi O'Brien, I believe,	23	A. I can recall some of them,
24	who did the second interview for me and	24	but I don't know if I could accurately

<p style="text-align: right;">Page 22</p> <p>1 A. Can I give a little back 2 history to answer that question or do you 3 want me just to answer the question? 4 Q. No. Please. Go ahead and 5 answer. 6 A. I worked for Eileen 7 Stankunas in another weight loss center 8 prior to me coming to LA Weight Loss, so 9 I've known Eileen for almost 20 years. 10 And so the behavior was consistent. So 11 it wasn't just with when I worked at 12 Nutri/System but also at LA Weight Loss, 13 where it was a constant message, very 14 clear message, that men should not be 15 hired, they're not successful, they don't 16 belong in the weight loss industry 17 because it's a women's industry. And 18 that message was also carried through 19 when I was part of these meetings at LA 20 Weight Loss. There were a few men that I 21 had interviewed, one or two that actually 22 got hired, where I was told, as well as 23 whoever made the final decision was told, 24 that they would be -- they were led to</p>	<p style="text-align: right;">Page 24</p> <p>1 two of us. But in a meeting it was 2 always Lesia and the area managers. And, 3 again, I remember Gina and Nina. The 4 other names -- I can picture faces. I 5 can't remember the names. 6 Q. During these meetings when 7 Ms. Stankunas would make these 8 statements, did anyone disagree with her 9 or object or say that's wrong? 10 A. Well, I did, and I did that 11 personally. I also had a personal 12 relationship with her, so it was always a 13 battle between the two of us. 14 Q. Okay. Do you recall what 15 specifically you said regarding her 16 statements about that? 17 A. Other than you're out of 18 your mind, you better watch out because 19 one day it's going to come and bite you 20 in the butt. Yeah, we had conversations 21 like that frequently. 22 Q. And when you said it's going 23 to bite her in the butt, were you talking 24 about legal ramifications?</p>
<p style="text-align: right;">Page 23</p> <p>1 believe that they would be hired and move 2 into management positions but behind 3 closed doors were told that would just 4 never happen. 5 Q. Okay. So I want to get a -- 6 make sure I have a clear understanding 7 here. So there were times when Eileen 8 Stankunas specifically told you men 9 should not be hired at the company? 10 A. Correct. 11 Q. That they did not work out? 12 A. Correct. 13 Q. Okay. Do you recall in your 14 year of employment how many times Ms. 15 Stankunas would have said that to you? 16 A. I couldn't really say. I 17 would say every time we were discussing 18 hiring in our team meetings. Maybe a 19 half a dozen times, six or seven times. 20 Q. Okay. Okay. Do you recall 21 who was present during comments that she 22 made like that? 23 A. Yes. Lesia was often 24 present. Sometimes it would just be the</p>	<p style="text-align: right;">Page 25</p> <p>1 A. Yes. 2 Q. Okay. So at the time you 3 were aware that making hiring decisions 4 on the basis of sex is illegal? 5 A. I have an extensive 6 background in HR, so I'm fully aware of 7 the ramifications. 8 Q. Okay. Now, with respect to 9 Lesia Petrizio, can you tell me the kinds 10 of statements she made about hiring or 11 not hiring men? 12 A. She would make similar 13 statements, a little bit more derogatory 14 and more sarcastic. 15 Q. Can you give us some 16 examples? 17 A. Not specific words, no. 18 Q. When you say derogatory, do 19 you mean derogatory about men? 20 A. About men in regards to them 21 being able to help women, being 22 insensitive to women's issues. 23 Q. Can you give me an estimate 24 of how many times Ms. Petrizio may have</p>